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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,083	12/04/2003	Masashi Hamada	CANO:102	7661

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/728,083	<b>Applicant(s)</b> HAMADA, MASASHI	
	<b>Examiner</b> Charles Shedrick	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 8/24/06 have been fully considered but they are not persuasive.

2. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Wilkes teaches setting an ID (i.e., an IP address) of the current access point to an ID (i.e., an IP address) that is not in use by any other recognized access point. Hodoshima is provided to support the assignment the SSID versus the IP of Wilkes. Based on the claim language the process of generating, setting, and recognizing an SSID is identical to the process that DCHP enabled devices use to dynamically configure themselves upon network discovery. Based on the combination in the following rejection it would have been obvious to include the assignment of SSID 's in combination or alone with other parameters that are assigned such as an IP address as taught by Wilkes. It respectfully submitted that the Applicant has not indicated any novelty upon which distinguishes the present application from the submitted prior art.

Therefore, the rejection is proper.

Regarding claims 1-3,6, and 12, Applicant is reminded that the language used by the Applicant merely suggests or makes optional those features described as Adapted to:

It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wilkes et al.** US Pub No. 2003/0058818 A1 in view of **Hodoshima et al.**, hereinafter "**Hodoshima**" US Pub No. 2003/0115339 A1.

Consider **claims 1 and 14**, **Wilkes et al.** teaches a wireless base station **210 (figure 2)** and a computer-readable storage medium storing a computer program that constructs a wireless communication network **240 (figure 2)**, comprising: a recognizing unit adapted to recognize **350, 310** (either interface can be used based on the origin) (**figure 3**); and a setting unit adapted to set **320, 330** (i.e., the base station can join the network or participate with other base stations joining the network automatically or via manual communication thus constructing a network by setting and recognizing means) (**figure 3**) (**paragraphs 0031,0035,0042**), wherein said setting unit sets a IP address different to the IP address recognized by said recognizing unit (i.e., The base station

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looks for IP addresses or other forms of system ID that are assigned in the network. Once the base station understands the system identification allocation it automatically or manually assigns itself some form of identification in order to join the network (**paragraphs 0039 –0049**). However, Wilkes et al. do not clearly disclose the network constructs using system identification codes.

In the same field of endeavor, Hodoshima, constructs a network using a system identification code for identifying a wireless communication network controlled by the base station (i.e., access point) used by another wireless station, based on the system identification code recognized by said recognizing unit (i.e., wireless stations and access points using the WLAN transmission standard in figures and at least paragraphs 0053,0062-0063 and claim 1).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station network constructs of Wilkes et al. to comply with the IEEE 802.11 specification and recognize an SSID for the purpose of extending the base stations to a WLAN environments. If the base station wireless interfaces of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to modify the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 2** and **as applied to claim 1 above**, Wilkes et al. teach a wireless base station **210\_1 (figure 2)** further comprising: a first receiving unit **350, 310** (either interface can be used based on the origin) (**figure 3**) adapted to receive a notification signal (i.e., a response to a DHCP broadcast or protocol advertisement) from the another wireless base station **210\_2 (figure 2) (paragraph 0048)**; and wherein said recognizing unit recognizes the identification

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used by the other wireless base station based on the notification signal received by said first receiving unit ( **paragraphs 0031, 0035, 0042** ) .

However, Wilkes et al. do not teach disclose the system identification code wherein said recognizing unit recognizes the system identification code.

In the same field of endeavor, Hodoshima constructs a network using the system identification code used by another wireless station, based on the system identification code recognized by said recognizing unit (i.e., wireless stations and access points using the WLAN transmission standard in figures and at least **paragraphs 0053,0062-0063, 0075 and claim 1**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station network constructs of Wilkes et al. to comply with the IEEE 802.11 specification and recognize an SSID for the purpose of extending the base stations to a WLAN environments. If the base station wireless interfaces of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to modify the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 3** and as **applied to claim 1** above, Wilkes et al. teach a wireless base station **210\_1 (figure 2)** further comprising: a second receiving unit **350, 310** (either interface can be used based on the origin) (**figure 3**) adapted to receive a signal from a communication apparatus (i.e., mobile station) **1420 (figure 14)** whose communication is controlled by the another wireless base station **210\_2 (figure 2)**; and said recognizing unit **350, 310** (either interface can be used based on the origin) (**figure 3**) recognizes another wireless base station based on the signal received by said second receiving unit( **paragraphs 0056 and 0101**).

However, Wilkes et al. do not teach a system identification code wherein said recognizing unit recognizes the system identification code used by the another base station.

In the same field of endeavor, Hodoshima teaches a system identification code used by another wireless station, wherein said recognizing unit recognizes the system identification code used by the other wireless station (i.e., wireless stations and access points using the WLAN transmission standard in figures and at least **paragraphs 0053,0062-0063, 0075 and claim 1**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to comply with the IEEE 802.11 specification and recognize an SSID for the purpose of extending the base stations to a WLAN environment. If the base station wireless interfaces of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to recognize the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 4** and as applied to **claim 3** above, Wilkes et al. as modified by Hodoshima teach a wireless base station **210\_1 (figure 2)** wherein said second receiving unit **350, 310** (either interface can be used based on the origin) (**figure 3**) receives a response signal responsive to a request from the wireless base station (**paragraphs 0048,0054 and 0102**).

Consider **claim 6** and as applied to **claim 1** above, Wilkes et al. teach a wireless base station **210 (figure 2)** further comprising: a generating unit **320 (figure 3)** adapted to generate an IP address set by said setting unit (**paragraphs 0034 and 0035**).

However, Wilkes et al. do not disclose a system identification code being generated.

In the same field of endeavor, Hodoshima discloses a generating means for a system identification code (i.e., at least **paragraph 0009** the access point can generate the SSID).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to comply with the IEEE 802.11 specification, generate an SSID as taught by Hodoshima for the purpose of extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to generate the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 7** and **as applied to claim 6 above**, Wilkes et al. teach a wireless base station **210 (figure 2)** wherein said generating unit **320 (figure 3)** generates the IP address different to the IP address previously generated, based on the IP address previously recognized by said recognizing unit (i.e., The base station looks for IP addresses or other forms of system ID that are assigned in the network. Once the Base station understands the system identification allocation it automatically or manually assigns itself some form of identification in order to join the network. It is also well known in the art that DHCP as well as other protocols can assign based on a rules such as lease expiration in order to prevent the previously assigned address being re-assigned (**paragraphs 0039 –0049**).

However, Wilkes et al. do not disclose a system identification code being generated.

In the same field of endeavor, Hodoshima discloses a generating unit for a system identification code (i.e., at least **paragraph 0009** the access point can generate the SSID).



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Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to comply with the IEEE 802.11 specification, generate an SSID as taught by Hodoshima for the purpose of extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to generate the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 8** and as applied to **claim 6** above, **Wilkes et al.** teach the claimed invention except the generating unit does not specifically disclose generating a system identification code (**paragraph 0042**).

In the same field of endeavor, Hodoshima discloses a generating unit for a system identification code (i.e., at least **paragraph 0009** the access point can generate the SSID).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to generate a SSID as taught by Hodoshima for the purpose of **automating the generation** of SSID's and extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to generate the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 9** and as applied to **claim 6** above, **Wilkes et al.** teach the claimed invention except the generating unit does not specifically disclose generating a system identification code (**paragraph 0042**).

In the same field of endeavor, Hodoshima discloses a generating unit for a system identification code (i.e., at least **paragraph 0009** the access point can generate the SSID).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to generate a SSID as taught by Hodoshima for the purpose of generation of SSID's based on the **operation of a user (i.e., manual configuration)** and extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to generate the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 10** and **as applied to claim 1 above, Wilkes et al.** teach the claimed invention except the recognize unit does not specifically disclose recognizing a system identification code used by a plurality of channels.

In the same field of endeavor, Hodoshima discloses a recognizing unit for a system identification code recognize unit but does not specifically disclose recognizing a system identification code used by a plurality of channels (i.e., wireless stations and access points using the WLAN transmission standard in figures and at least **paragraphs 0053,0062-0063, 0075 and claim 1**).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to recognize an SSID used by a plurality of channels as taught by Hodoshima for the purpose of extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to recognize the SSID used by a

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plurality of channels as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 11** and as applied to **claim 1** above, Wilkes et al. clearly disclose the claimed invention except for clearly identifying a system identification code that is a Service Set Identifier for use in a wireless LAN communication according to IEEE.802.11 Standard.

In the same field of endeavor, Hodoshima teaches a system identification code that is a Service Set Identifier for use in a wireless LAN communication according to IEEE.802.11 Standard (i.e., **at least paragraph 0003**)

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the wireless base station of Wilkes et al. to include a system identification code that is a Service Set Identifier for use in a wireless LAN communication according to IEEE.802.11 Standard as taught by Hodoshima for the purpose of extending the base stations to a WLAN environments. If the base station of Wilkes et al. were slightly modified to comply with the IEEE 802.11 then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

Consider **claim 12** and as applied to **claim 1** above, Wilkes et al. teaches the claimed invention except that the base station is a access point for performing a wireless LAN communication according to IEEE 802.11 standard.

In the same field of endeavor, Hodoshima teaches that the base station is an access point for performing a wireless LAN communication according to IEEE 802.11 standard (i.e., **see at least paragraph 0061**).

Therefore, it would have been obvious at the time the invention was made to modify Wilkes et al. for the purpose of using a base station that is an access point for performing a wireless LAN communication according to IEEE 802.11 standard as taught by Hodoshima.

Consider **claim 13, Wilkes et al.** teach a control method (i.e., control of the base stations being added to the network, how the base stations communicate while being added can be controlled based on the methods disclosed) for a wireless base station **210 (figure 2)** that constructs a wireless communication network **240 (figure 2)**, comprising: recognizing step (**paragraphs 0039-0049**) of receiving; and setting step for setting (**paragraphs 0039-0049**) (i.e., the base station can join the network or participate with other base stations joining the network automatically or via manual communication thus constructing a network by setting and recognizing means) (**figure 3**) (**paragraphs 0031,0035,0042**), wherein said setting unit sets a IP address different to the IP address recognized by said recognizing unit (i.e., The base station looks for IP addresses or other forms of system ID that are assigned in the network. Once the base station understands the system identification allocation it automatically or manually assigns itself some form of identification in order to join the network (**paragraphs 0039 –0049**)).

However, Wilkes et al. do not clearly disclose the control method using system identification codes.

In the same field of endeavor, Hodoshima discloses a control method based on the system identification code for identifying a wireless communication network controlled by the base station (i.e., access point) used by another wireless station recognized by said recognizing means (i.e., wireless stations and access points using the WLAN transmission standard in figures and at least **paragraphs 0053,0062-0063, 0075 and claim 1**).

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Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the control method of Wilkes et al. to comply with the IEEE 802.11 specification and recognize an SSID for the purpose of extending the base stations to a WLAN environments. If the base station wireless interfaces of Wilkes et al. were slightly modified to comply with the IEEE 802.11 specifications and modeled to control the SSID as taught by Hodoshima then the base stations of Wilkes et al. could be used by WLAN in a plug and play type environment.

### *Conclusion*

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Charles Shedrick  
AU 2617  
October 29, 2006



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